

Application No.: 10/817,259  
Amdt dated: January 6, 2009  
Reply to Office action of October 8, 2008

**Amendments to the Drawings:**

Please replace the drawing sheet containing Figure 8 with the attached Replacement Sheet. In the Replacement Sheet, the reference label for element 36 has been revised to be element 56. Support for this revision can be found in the Specification and Drawings as originally filed. Accordingly, no new matter has been added with this amendment.

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### **REMARKS/ARGUMENTS**

This Amendment is filed in response to the Office Action that was mailed on October 8, 2008. Claims 14-21 were considered by the Examiner. In this paper, Claim 14 has been amended, no claims have been canceled, and no claims have been added. Accordingly, Claims 14-21 remain before the Examiner for consideration. No new matter has been added in these amendments.

#### **Summary of the Office Action**

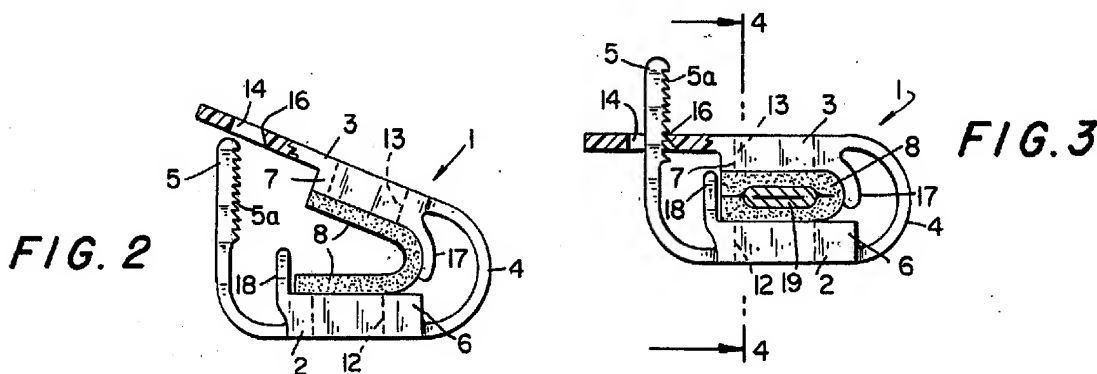
In the Office Action, Claims 14-21 were rejected under 35 U.S.C. § 102(b) as being anticipated by LeVeen et al. (U.S. Patent No. 4,390,019). For at least the reasons discussed below, Applicant respectfully traverses these rejections.

#### **Amendment to the Drawings**

In the section above entitled Amendments to the Drawings, Applicant has requested the entry of a Replacement Sheet including Figure 8. In the Replacement Sheet, the reference label for the spring has been revised from 36 on Figure 8 as originally filed to 56. This revision is supported in the Specification and Drawings as originally filed and has been made to improve the consistency of Figure 8 with Figure 7 as filed and with the Specification as filed (for example, on page 7, lines 7-10 of the as-filed specification). Accordingly, no new matter has been added in this amendment.

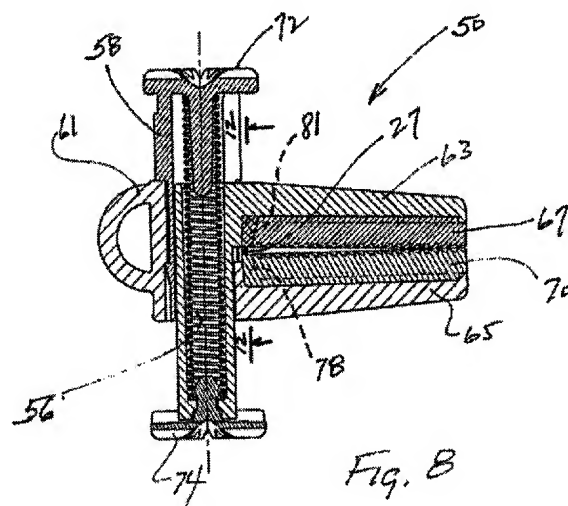
**LeVeen Fails to Disclose or Suggest All of the Recitations of the Claimed Subject Matter.**

LeVeen relates to a surgical clamp for stopping the flow of blood from a blood vessel. (LeVeen, col. 1, lines 4-6). LeVeen describes a clamp having a pair of clamping arms 2, 3 integral with a resilient member 4. (LeVeen, col. 2, lines 11-14). The resilient member 4 tends to bias the clamping arms 2, 3 into an opened position. (LeVeen, col. 2, lines 11-16). A ratchet 5 extends between the clamping arms 2, 3 and prevents separation of the arms 2, 3 when they are advanced towards one another. (LeVeen, col. 2, lines 47-62, col. 3, lines 11-25). The pressure on a blood vessel within the clamp can be readily adjusted by adjusting the ratchet. (LeVeen, col. 3, lines 20-29, 34-37). Figures 2 and 3 of LeVeen, reproduced below, illustrate the clamp in an open position and clamping a vessel.



Claim 14 relates to a surgical clip adapted for use in holding a suture comprising, among other limitations, a housing having an outer surface, a first jaw connected to the housing, a second jaw connected to the housing, and a spring

disposed in the housing. Claim 14 further recites, among other limitations, that "the spring biases the first jaw and the second jaw into a closed state." Figure 8 of the present application, reproduced below, illustrates one embodiment of a surgical clip having a spring 56 positioned within a housing.



LeVeen fails to disclose all of the recitations of Claim 14. For example, in contrast to the housing having a spring disposed therein, recited in Claim 14, LeVeen describes a clamp device having a resilient member and no housing. Furthermore, LeVeen fails to disclose that the resilient member biases the clamping arms into a closed state, as is recited with respect to the spring and the first and second jaws of Claim 14. Rather, as noted above, LeVeen describes that the resilient member tends to maintain the clamping arms in an open state and a ratchet is used to prevent separation of the clamping arms as they are advanced towards one another.

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Accordingly, for at least the reasons discussed above, Claim 14 is distinguishable over the applied art. Claims 15-21 depend from Claim 14 and recite additional novel and nonobvious limitations thereon. Thus, Claims 15-21 are distinguishable over the applied art for at least the reasons discussed above with respect to Claim 14.

### **Conclusion**

For at least the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, issuance of a Notice of Allowability is most earnestly solicited.

Applicant respectfully traverses each of the Examiner's rejections and each of the Examiner's assertions regarding what the prior art shows or teaches. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Any arguments in support of patentability and based on a portion of a claim should not be taken as founding patentability solely on the portion in question; rather, it is the combination of features or acts recited in a claim which distinguishes it over the prior art.

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The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, John F. Heal, at (949) 713-8283 to resolve such issues promptly.

Sincerely

APPLIED MEDICAL RESOURCES

BY



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